IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION DOCKET NO. 5:11CR30-1-RLV

| UNITED STATES OF AMERICA |) |
|--------------------------|--------------------------------|
| vs. |)) <u>SCHEDULING ORDER</u> |
| JOSEPH CATONE, JR. |)) |
| Defendant. |)) |
| | |

THIS MATTER is before the Court on an Order of Remand, filed October 15, 2014, from the Fourth Circuit Court of Appeal for re-sentencing.¹

IT IS, THEREFORE, ORDERED that:

The Bureau of Prisons (BOP) and the United States Marshals Service is hereby ORDERED to transport and produce the body of JOSEPH CATONE, JR. (USM#: 26453-058), for re-sentencing on December 3, 2014, at 2 PM, before the Honorable Richard L. Voorhees, in the Western District of North Carolina, Statesville Courthouse, 200 West Broad Street, 2nd Floor Courtroom, Statesville, North Carolina, not later than November 17, 2014, and upon completion of the re-sentencing hearing, Defendant is to be returned to the custody of the BOP. The Clerk is directed to certify copies of this Order to the United States Attorney, Defendant's Counsel, the United States Marshal Service, and the United States Probation Office. IT IS, FURTHER ORDERED that the Probation Office file a revised Presentence Report, based on the Fourth Circuit's

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¹ The Fourth Circuit published the opinion on October 15, 2015, affirming Defendant's conviction but vacated Defendant's sentence and the restitution order and remand for further proceedings. Although, the Fourth Circuit has not issued the Mandate, in the interest of time the Court will proceed with scheduling a resentence date.

Published Opinion in this matter, by October 31, 2014, and that the parties file their response to the Revised Presentence Report, fourteen (14) days after the report is filed.

Signed: October 15, 2014

Richard L. Voorhees United States District Judge